

EXPRESS MAIL NO. EV322434599US

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**MULTI-WAVELENGTH GRATING-OUTCOUPLED SURFACE EMITTING LASER SYSTEM**

the specification of which (check one)

X is attached hereto.

\_\_\_ was filed on \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year)	____ Yes ____ No
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Certified Copy Attached?

\_\_\_\_ Yes \_\_\_\_ No

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Duke W. Yee, Reg. No. 34,285; Stephen J. Walder, Jr., Reg. No. 41,534; Stephen R. Tkacs, Reg. No. 46,430; Lisa L.B. Yociss, Reg. No. 36,975; Patrick Holmes, Reg. No. 46,380; Wayne P. Bailey, Reg. No. 34,289; and Cathrine K. Kinslow, Reg. No. 51,886.

Send correspondence to: Duke W. Yee, Carstens, Yee & Cahoon, LLP, P.O. Box 802334, Dallas, Texas 75380 and direct all telephone calls to Duke W. Yee, (972) 367-2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Gary A. Evans

INVENTORS SIGNATURE: *Gary A Evans* DATE: *Oct 1, 2003*

RESIDENCE: 4520 Savino Drive  
Plano, Texas 75093

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SECOND INVENTOR: Dupravko Babic

INVENTORS SIGNATURE: *Dupravko Babic* DATE: *Oct 3, 2003*

RESIDENCE: 196 Douglane Avenue  
San Jose, California 95117

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Evans et al.**

Serial No.: **Unknown**

Filed: **October 9, 2003**

For: **Multi-Wavelength Grating-  
Outcoupled Surface Emitting Laser  
System**

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Attorney Docket No.: **BPHOTO.012**

**STATEMENT OF SMALL ENTITY STATUS**

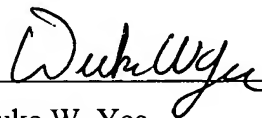
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Photodigm, Inc. is entitled to small entity status thereby allowing them to pay reduced filing fees for the enclosed patent application.

DATE: 10/9/03

Respectfully submitted,



Duke W. Yee  
Reg. No. 34,285  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380  
(972) 367-2001  
Attorney for Applicants